

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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AUG 25 2017
U. S. DISTRICT COURT
MID. DIST. TENN.

DAVID COLE
(Name)
440180
(Prison Id. No.)

(List the names of all the plaintiffs filing
this lawsuit. Do not use "et al." Attach
additional sheets if necessary.)

(Name)

(Prison Id. No.)

Civil Action No. _____
(To be assigned by the Clerk's Office.
Do not write in this space.)

Plaintiff(s)

v. TROUSDALE TURNER CORRECTIONAL,
COKE CIVICS OF AMERICA,

JURY TRIAL REQUESTED ☒ YES ☐ NO

TDOC, WARDEN WASHBURN, CO LOPEZ,
(Name)
CHIEF VAIL, SGT. OLDER, SGT. DOUGLAS
(Name)

(List the names of all defendants
against whom you are filing this
lawsuit. Do you use "et al." Attach
additional sheets if necessary.)

Defendant(s)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS FILED
PURSUANT TO 42 U.S.C. § 1983

I. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: DAVID COLE
Prison I.D. No. of the first plaintiff: 440180
Address of the first plaintiff: TTCC, 140 MACON WAY, HORTSVILLE,
TN, 37074 DELTA BRAVO 118

Status of Plaintiff: CONVICTED (☒) PRETRIAL DETAINEE (☐)

2. Name of the second plaintiff: _____
Prison I.D. No. of the second plaintiff: _____
Address of the second plaintiff: _____

Status of Plaintiff: CONVICTED (☐) PRETRIAL DETAINEE (☐)

(Include the name of the institution and mailing address with zip code for each plaintiff. If any plaintiff changes his or her address, he or she must notify the Court immediately. If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.)

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: WASHBURN
 Place of employment of the first defendant: WARDEN @ TTCC
 First defendant's address: 140 MACON WAY HARTSVILLE, TN
37074
 Named in official capacity? ☒ Yes ☐ No
 Named in individual capacity? ☒ Yes ☐ No
2. Name of the second defendant: VEAL
 Place of employment of the second defendant: CHIEF @ TTCC
 Second defendant's address: 140 MACON WAY, HARTSKILLE, TN
37074
 Named in official capacity? ☒ Yes ☐ No
 Named in individual capacity? ☒ Yes ☐ No

(If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, his or her place of employment, address, and the capacity in which you are suing that defendant. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide each defendant's proper name, place of employment, and address, the Clerk will be unable to serve that defendant should process issue.)

II. JURISDICTION

- A. Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (applies to state prisoners).
 Jurisdiction is also invoked pursuant to 28 U.S.C. § 1343(a)(3).

If you wish to assert jurisdiction under different or additional statutes, you may list them below:

B. DEFENDANT(S) AGAINST WHOM THIS LAWSUIT IS BEING BROUGHT (continued)

3. NAME OF THIRD DEFENDANT: VEAL, JOHANA

PLACE OF EMPLOYMENT OF THE ~~THIRD~~ DEFENDANT: CHIEF @ TTCC

THIRD DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY: ☒ YES ☐ NONAMED IN INDIVIDUAL CAPACITY: ☒ YES ☐ NO

4. NAME OF FOURTH DEFENDANT: LOPEZ

PLACE OF EMPLOYMENT OF THE FOURTH DEFENDANT: CO @ TTCC

FOURTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY: ☒ YES ☐ NONAMED IN INDIVIDUAL CAPACITY: ☒ YES ☐ NO

5. NAME OF FIFTH DEFENDANT: OLDER

PLACE OF EMPLOYMENT OF THE FIFTH DEFENDANT: SARGEANT @ TTCC

FIFTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY: ☒ YES ☐ NONAMED IN INDIVIDUAL CAPACITY: ☒ YES ☐ NO

6. NAME OF SIXTH DEFENDANT: DOUGLAS

PLACE OF EMPLOYMENT OF THE SIXTH DEFENDANT: SARGEANT @ TTCC

SIXTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY: ☒ YES ☐ NONAMED IN INDIVIDUAL CAPACITY: ☒ YES ☐ NO

7. NAME OF SEVENTH DEFENDANT: TROUSDALE TURNER CORRECTIONAL CENTER

PLACE OF EMPLOYMENT OF THE SEVENTH DEFENDANT: TTCC

SEVENTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY: ☒ YES ☐ NONAMED IN INDIVIDUAL CAPACITY: ☒ YES ☐ NO

8. NAME OF EIGHTH DEFENDANT: CORE CIVICS OF AMERICA (CCA)

PLACE OF EMPLOYMENT OF EIGHTH DEFENDANT: CCA

EIGHTH DEFENDANT'S ADDRESS: 10 BURTON HILLS BLDG. NASHVILLE, TN 37215

NAMED in OFFICIAL CAPACITY: ☒ YES — NO

NAMED in INDIVIDUAL CAPACITY: ☒ YES — NO

9. NAME OF NINTH DEFENDANT: TENNESSEE DEPARTMENT OF CORRECTIONS (TDOC)

PLACE OF EMPLOYMENT OF NINTH DEFENDANT: TDOC

NINTH DEFENDANT'S ADDRESS: RACHEL JACKSON BUILDING, 6TH FLOOR, 320 - SIXTH AVENUE NORTH, NASHVILLE, TN 37243-0465

NAMED in OFFICIAL & INDIVIDUAL CAPACITY: ☒ YES — NO

10. NAME OF TENTH DEFENDANT: TROUSDALE TURNER COUNTY

PLACE OF EMPLOYMENT OF TENTH DEFENDANT: TROUSDALE TURNER COUNTY

TENTH DEFENDANT'S ADDRESS:

NAMED in OFFICIAL CAPACITY: ☒ YES — NO

NAMED in INDIVIDUAL CAPACITY: ☒ YES — NO

11. NAME OF ELEVENTH DEFENDANT: HARTSVILLE CITY

PLACE OF EMPLOYMENT OF ELEVENTH DEFENDANT: HARTSVILLE CITY HALL

ELEVENTH DEFENDANT'S ADDRESS:

NAMED in OFFICIAL CAPACITY: ☒ YES — NO

NAMED in INDIVIDUAL CAPACITY: ☒ YES — NO

12. NAME OF TWELFTH DEFENDANT: STATE OF TENNESSEE

PLACE OF EMPLOYMENT OF TWELFTH DEFENDANT: STATE OF TENNESSEE

TWELFTH DEFENDANT'S ADDRESS:

NAMED in OFFICIAL CAPACITY: ☒ YES — NO

III. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuit(s) in the United States District Court for the Middle District of Tennessee, or in any other federal or state court? ☒ Yes ☐ No

B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs DAVID COLE #440180

Defendants EDDIE JACKSON, WEST TENNESSEE PRISON

2. In what court did you file the previous lawsuit? NASHVILLE DIVISION

(If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)

3. What was the case number of the previous lawsuit? UNKNOWN @ THIS TIME

4. What was the Judge's name to whom the case was assigned? UNKNOWN @ THIS TIME

5. What type of case was it (for example, habeas corpus or civil rights action)? CIVIL RIGHTS ACTION

6. When did you file the previous lawsuit? (Provide the year, if you do not know the exact date.) 2012

7. What was the result of the previous lawsuit? For example, was the case dismissed or appealed, or is it still pending? DISMISSED

8. When was the previous lawsuit decided by the court? (Provide the year, if you do not know the exact date.) 2012

9. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit? ☐ Yes ☒ No

(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)

IV. EXHAUSTION

A. Are the facts of your lawsuit related to your present confinement?

☒ Yes ☐ No

B. If you checked the box marked "No" in question III.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain. _____

N/A

C. Do the facts of your lawsuit relate to your confinement in a Tennessee state prison?

☒ Yes ☐ No

(If you checked the box marked "No," proceed to question IV.G. If you checked the box marked "Yes," proceed to question IV.D.)

D. Have you presented these facts to the prison authorities through the state grievance procedure? ☒ Yes ☐ No

E. If you checked the box marked "Yes" in question III.D above:

1. What steps did you take? FIRST STEP OF GRIEVANCE PROCEDURE

2. What was the response of prison authorities? ADMINISTRATIVE REMEDIES HAVE BEEN EXHAUSTED DUE TO THEIR LACK OF REPLY TO FIRST STEP TAKEN.

F. If you checked the box marked "No" in question IV.D above, explain why not. _____

N/A

G. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)? ☐ Yes ☒ No

H. If "Yes" to the question above, have you presented these facts to the authorities who operate the detention facility? ☒ Yes ☐ No

I. If you checked the box marked "Yes" in question III.H above:

1. What steps did you take? N/A

2. What was the response of the authorities who run the detention facility? _____

NONE

J. If you checked the box marked "No" in question IV.H above, explain why not.

BECAUSE THE FACTS OF MY LAWSUIT PERTAIN TO MY CONFINEMENT IN A DETENTION FACILITY OPERATED BY STATE AND/OR PRIVATE AGENCY NOT CITY OR COUNTY.

V. CAUSE OF ACTION

Briefly explain which of your constitutional rights were violated:

RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT; RIGHTS REGARDING PUNISHMENTS UNDER PROSECUTORIAL DUE PROCESS; EIGHTH & FOURTEENTH AMENDMENTS VIOLATED

VI. STATEMENT OF FACTS

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 1/2 inch x 11 inch paper. Write on one side only, and leave a 1-inch margin on all 4 sides.

ON 6-24-17, AT AROUND 10:10 AM INMATE DAVID CHARLES COLE WAS BEING TRANSFERRED TO SEGREGATION BY CO LOPEZ, SGT. DOUGLAS, AND SGT. OLDER ON CHIEF JOHANA VEAL'S REQUEST. AT ARRIVAL CHIEF VEAL AND SGT. OLDER TOLD SGT. DOUGLAS AND CO LOPEZ TO PUT DAVID C. COLE IN UNIT A C CELL #210. INSIDE THAT CELL WAS INMATE BARRY C. HEAREUX #413491. THIS INMATE TOLD ALL SEGREGATION OFFICERS "NOT TO PUT ANYONE INTO THE CELL" WITH HIM OR HE WOULD STAB THEM AND "HIM" (HIM) BEING INMATE DAVID C. COLE). ALL OFFICERS IGNORED HIS STATEMENT AND DAVID C. COLE'S CRIES FOR HELP WERE IGNORED AS WELL. THE OFFICERS SHOWED DELIBERATE AND CALLAS INDIFFERENCE AND THEY INTENTIONALLY AND MALICIOUSLY PLACED MR. COLE INTO MR. HEAREUX'S CELL. WHEN INSIDE THE CELL MR. HEAREUX SWUNG A KNIFE AT MR. COLE'S FACE BUT WAS BLOCKED BY MR. COLE'S ARM THUS CUTTING INTO HIS ARM. MR. COLE BANGED ON THAT CELL DOOR AND BEGGED FOR HELP. HE THEN SHOWED AND TOLD OFFICERS THAT THE INMATE HAD CUT HIS ARM. OFFICERS DAVIS AND SGT. LOUINE RESPONDED TO THIS AND TDC LIAISON CHRISTOPHER

II. STATEMENT OF FACTS (CONTINUED)

BAHN TOLD THOSE OFFICERS TO HANDCUFF THEM AND ESCORT THEM TO THE SHOWERS. MR. COLE SAT IN THE SHOWERS BLEEDING FOR THIRTY MINUTES BEFORE BEING ESCORTED TO THE MEDICAL BUILDING BY SGT. LOVINE. AT MEDICAL PICTURES WERE TAKEN OF THE WOUNDS, THEN MR. COLE WAS ESCORTED BACK TO SECREATIONS SHOWERS WHERE HE SAT FROM 11:25 AM TO 4:30 PM. MR. COLE WAS PUNISHED EVEN FURTHER BY HAVING MADE TO SIT IN DIRTY AND WET SHOWER FLOORS. THESE OFFICERS HAVE ACTED WITH DELIBERATE & CALLOW INDIFFERENCE, THEY CRUELLY AND UNUSUALLY PUNISHED THIS INMATE. THEY CAUSED INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS, THEY WERE SEVERELY AND EXTREMELY NEGLIGENT. THERE WAS AN ABUSE OF PROCESS. THESE OFFICERS HAVE ACTED OUT IN MANY OTHER WAYS BUT AT THIS TIME THAT IS ALL THAT WILL BE MENTIONED TIL AFTER THIS HONORABLE COURT REPLIES. WARDEN WASHBURN SHOULD BE ADDED TO THE SUIT AS WELL AS CHIEF VEAL, SGT. DOUGLAS, CO LOPEZ, SGT. OLDER FOR THEIR INVOLVEMENT AND FOR MIS-HANDLING THEIR SUBORDINATES ACTIONS. SGT. LOVINE SHOULD BE ADDED AS WELL FOR PUTTING MR. COLE IN A CRUEL UN-SAFE, UNHEALTHY, DIRTY SHOWER FOR SO MANY HOURS. CCA, TTLC, TDOC, HARTSVILLE ~~CITY~~ TROUSDALE, TURNER COUNTY & THE STATE OF TENNESSEE SHOULD BE ADDED AS DEFENDANTS AS WELL, FOR THEIR PART IN ALLOWING VIOLATIONS OF INMATE RIGHTS. ANY MOTIONS TO AMEND COMPLAINT MAY SURFACE AS TIME GOES BY.

PLEASE SEE ATTACHED, AND FILE AS EXHIBIT #1 IN EVIDENCE, INMATE GRIEVANCE. (a. & b.)

VII. RELIEF REQUESTED: State exactly what you want the Court to order each defendant to do for you.

TO HAVE DEFENDANTS IMMEDIATELY REMOVED FROM THEIR POSITIONS. THROUGH AN INJUNCTION HAVE MYSELF MOVED TO A TDC FACILITY AND FILE ORDERS OF PROTECTION AGAINST DEFENDANTS. TO HAVE MONETARY COMPENSATION IN THE FORM OF NOMINAL COMPENSATION, AND PUNITIVE DAMAGES. ORDER DEFENDANTS TO PAY ALL FILING FEES AND ATTORNEY FEES, AND ORDER EACH DEFENDANT TO PAY EACH \$50,000 (FIFTY THOUSAND DOLLARS) FOR EACH TYPE OF MONETARY COMPENSATION DAMAGES. AND A DECLARATORY JUDGEMENT.

I request a jury trial. ☒ Yes ☐ No

VIII. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: David Charles Cole Date: 7-29-17

Prison Id. No. #440180

Address (Include the city, state and zip code.): TTCL, 140 MACON WAY, HARTSVILLE, TN 37077

Signature: _____ Date: _____

Prison Id. No. _____

Address (Include the city, state and zip code.): _____

ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT, and provide the information requested above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS, if not paying the civil filing fee.

SUBMIT THE COMPLAINT AND (1) THE REQUIRED FILING FEE OR (2) COMPLETED APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES AND COSTS TOGETHER.

Complaints received without the required filing fee or application to proceed without prepayment of fees will be returned. Filing fees and applications to proceed without prepayment of fees submitted without a complaint will be returned.

parrots
forever usa
pets

2016

guinea pigs
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pets

corn snakes
forever usa
pets

rabbits
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mice
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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN
801 BROADWAY ROOM 800
NASHVILLE, TN 37203

44-38861-100

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